

Message Text

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PAGE 01 PANAMA 00764 022234Z
ACTION L-01

INFO OCT-01 ARA-10 ISO-00 SS-14 SP-02 H-01 INR-05
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FM AMEMBASSY PANAMA
TO SECSTATE WASHDC IMMEDIATE 5546

C O N F I D E N T I A L PANAMA 0764

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LIMDIS

E.O. 11652: GDS
TAGS: PANAMA CONSTITUTION
SUBJECT: PANAMA TREATY RATIFICATION

REFS: (A) STATE 025972 (B) JORDEN/HANSELL/FELDMAN TELECONS

1. AS REPORTED REF. B, I WENT OVER THE DETAILS OF
REF. A WITH TOP LEGAL ADVISERS OF PANAMA GOVERNMENT
(ROMULO ESCOBAR BETHANCOURT, ARISTIDES ROYO, CARLOS LOPEZ
GUEVARA) AS WELL AS FOREIGN MINISTER. THEY ARE IN FULL
ACCORD WITH THE SUBSTANCE OF REF. A, THOUGH I NOTED THEIR
EXTREME SENSITIVITY TO THE REPEATED USE OF THE WORDS
QUOTE AMENDMENT UNQUOTE AND QUOTE AMENDMENTS UNQUOTE.
I EXPLAINED TO THEM THAT IN THIS CONTEXT WE WERE USING
THE WORD AS IT APPLIED TO SENATE ACTIONS, PROPOSALS AND
UNDERSTANDINGS. THEY SAID THEY UNDERSTAND, BUT THEY
MADE A STRONG, EVEN IMPASSIONED, PLEA THAT WE NOT REPEAT
NOT USE THE WORD AMENDMENT IN THE FORMAL INSTRUMENT OF
RATIFICATION. I TOLD THEM I DID NOT KNOW IF THAT WOULD BE
POSSIBLE BUT THAT I WOULD REPORT THEIR STRONG FEELING AND
WOULD HOPE THAT OUR LAWYERS WOULD BE ABLE TO FIND SOME
SKILLFUL WAY TO GET AROUND THIS POTENTIAL HURDLE. AS
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PAGE 02 PANAMA 00764 022234Z

DEPARTMENT KNOWS, THE PANAMANIAN VIEW IS THAT AN QUOTE
AMENDMENT UNQUOTE TO THE TREATY WOULD, IN THE OPINION
HERE, REQUIRE A NEW PLEBISCITE WHICH GOP IS DETERMINED
TO AVOID IF AT ALL POSSIBLE. OUR USE OF THE WORD WOULD,
THEY BELIEVE, STRENGTHEN THE HAND OF DOMESTIC OPPONENTS
WHO WISH TO FORCE A PLEBISCITE FOR POLITICAL, NON-TREATY-
RELATED PURPOSES.

2. THE ONLY SUBSTANTIVE SUGGESTION THEY MADE WAS TO ASK THAT, IN REFERRING TO TORRIJOS, WE USE THE TITLE QUOTE HEAD OF GOVERNMENT UNQUOTE SINCE IT WAS UNDER THAT TITLE THAT HE SIGNED THE ORIGINAL TREATY ON SEPTEMBER 7.

3. AS A FOOTNOTE, THEY NOTED THEIR INTENTION EVENTUALLY-- IN THEIR OWN INSTRUMENT OF RATIFICATION--TO ADD THE UNDERSTANDING THAT THE HEAD OF GOVERNMENT OF PANAMA WOULD HAVE THE RIGHT TO DISCUSS SEA LEVEL CANAL MATTERS WITH OTHER PARTIES BUT NOT TO REACH ANY AGREEMENT WITHOUT OUR APPROVAL AND CONCURRENCE. THEY WOULD DO THIS IF WE HAVE SUCH A PROVISION OR UNDERSTANDING ON OUR SIDE. THEY DO THIS ONLY IN THE INTEREST OF RECIPROCITY AND HAVE NO INTENTION OF DISCUSSING IT PUBLICLY AT THIS POINT.
JORDEN

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